



WESTERN PEANUT GROWERS ASSOCIATION, INC.

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October 21, 2005

Docket Clerk
Research and Promotion Branch
Fruit and Vegetable Programs
Agricultural Marketing Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Stop 0244
Washington, DC 20250-2800

RE: Interim Final Rule – Amendment to the Peanut Promotion, Research, and Information Order, Docket No. FV-05-701-IFR, Vol. 70, No. 182 Federal Register, September 21, 2005, pp. 55225-55227 (7 CFR Part 1216).

These comments are submitted on behalf of the Western Peanut Growers Association to express our appreciation for the efforts of the Department in publishing this rule to bring the Peanut Promotion, Research and Information Order into conformity with the changes that have occurred since the implementation of the Order in regard to the collection of assessments.

This interim final rule would require that funds for the National Peanut Board be checked off at the time the loan is made. If a farmer places peanuts under loan and later redeems and sells them for a greater price than the loan, the farmer must pay the 1% assessment on the difference between the sales price and the loan price.

We support this rule, but urge the Agricultural Marketing Service to make sure that in the case of the farmer who places peanuts under loan and later redeems and sells them for a price greater than the loan, the handler who is paying the higher price is responsible for collecting the additional assessment due from the farmer.

Therefore, we urge the implementation of the interim rule as a final rule with this one clarification about handler responsibility.

Sincerely,

Ted Higginbottom
Chairman